


JAN 27 2010

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY:   
DEPUTY CLERK

UNITED STATES OF AMERICA, )  
 )  
v. ) **Criminal Action No. 7:04cr00072-1**  
 ) **By: Samuel G. Wilson**  
 ) **United States District Judge**  
RICHARD LAMONT LIGHTY. )  
 ) **2255 FINAL ORDER**

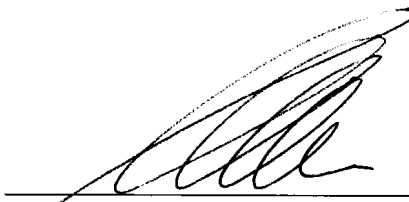
In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Lighty's 28 U.S.C. § 2255 motion is **DENIED**; and this action is **STRICKEN** from the active docket of the court.

Further, finding that Lighty has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

Lighty is advised that he may appeal the denial of his motion pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure by filing a notice of appeal with this court within 60 days of the date of entry of this Order, or within such extended period as the court may grant pursuant to Rule 4(a)(5).

The Clerk of the Court is directed to send a certified copy of this Order and the accompanying Memorandum Opinion to the petitioner.

**ENTER:** This 27th day of January, 2010.

  
\_\_\_\_\_  
United States District Judge